

REPORT
OF THE
Attorney-General
OF THE
STATE OF FLORIDA
FOR THE
Two Years Ending January 1, 1903.



I. B. HILSON
STATE PRINTER
TALLAHASSEE, FLA.
1903

1870

1870

Attorney General

1870

STATE OF FLORIDA

1870

Two Year Term, January 1870



WILLIAM M. SMITH
ATTORNEY GENERAL
JANUARY 1870

REPORT OF THE ATTORNEY-GENERAL

Attorney-General's Office,
Tallahassee, Fla.,
February 27th, 1903.

To His Excellency, William S. Jennings,

Governor of Florida:

In obedience to the requirements of the Constitution of this State, I have the honor to submit the following report of the matters pertaining to the office of Attorney-General, for the two years last past and to the present date:

THE FLORIDA CENTRAL AND PENINSULAR RAILROAD TAX LITIGATION—Involving the Collection of \$96,181.69 State and County Back Taxes:

Since the decision of the Supreme Court of Florida, in the suit of the Florida Central and Peninsular Railroad Company against the Comptroller of the State of Florida, was made, sustaining the legality of the taxes, which were assessed by the Comptroller upon said railroad for the years 1879, 1880 and 1881, two suits involving the same questions of law and fact were instituted by the Central Trust Company of New York, a corporation created under the laws of the State of New York, to enjoin the collection of these taxes. The first suit was begun on the first day of November, 1900, in the United States Circuit Court for the Southern District of Florida, and a temporary injunction was granted upon the ex parte application of the plaintiff and without notice to the Comptroller, restraining him from enforcing the collection of these taxes by a sale of the railroad.

Afterwards, this restraining order was dissolved and the suit dismissed upon the motion of counsel for the Comptroller.

The second suit was begun on the 30th day of November, 1900, in the United States Circuit Court for the Northern District of Florida, and a temporary injunc-

tion was likewise granted upon the ex parte application of the plaintiff, and without notice to the Comptroller, restraining him from enforcing the collection of these taxes by a sale of the railroad. Both of these injunctions were granted without requiring the plaintiff, which is a non-resident corporation, to give an injunction bond or security of any kind. The bills of complaint in both of these cases were identical. The Central Trust Company alleged, among other matters, that the Florida Central and Peninsular Railroad Company had issued bonds to the amount of \$3,000,000, and had executed its deed of trust covering its railroad, rolling stock, franchises and all of its property to secure the payment of them, and therein made said Trust Company the Trustee, and that as such trustee it had the right to institute suit and protect the holders of said bonds. The Comptroller demurred to the bill of complaint and denied the right of said Trust Company to maintain its suit.

The suit of the Florida Central and Peninsular Railroad Company against the Comptroller, which the Supreme Court of Florida decided adversely to the Railroad Company against the Comptroller, which the Supreme Court of the United States by a writ of error and was pending therein and undecided, at the time this latter suit was instituted. And, as the questions of law and fact involved in these several suits were identical, and, as the Comptroller was prevented by a supersedeas, which the Supreme Court of the United States granted in the former suit, from enforcing the collection of these taxes, it was deemed advisable to await the decision of the Supreme Court of the United States in the former suit, before proceeding to trial in the latter. Besides, the Hon. William H. Reynolds, who was Comptroller and a party defendant to these suits, died while they were pending and undetermined, and no further proceeding could be had therein until they were revived against his successor in office. The suit pending in the Supreme Court of the United States was revived against the present Comptroller, the Hon. A. C. Croom, upon his application soon after his appointment and qualification, and in January, 1902, the Supreme Court of the United States rendered their decision therein, affirming the decision of the Supreme Court of Florida. This was a final determination of the suit of the Florida Central and Peninsular Railroad Company against the Comptroller, and

the decision of both of these high tribunals sustained the legality of the assessment of these taxes, and the constitutionality of the statutes under which such assessments were made. Yet the Central Trust Company of New York, on the 16th day of December, 1902, filed its bill of revivor in the Circuit Court of the United States for the Northern District of Florida against the present Comptroller of the State, and has revived its suit against him. And the court has granted a temporary injunction against the Comptroller restraining him from proceeding to enforce the collection of these taxes, without requiring of the plaintiff any bond. The Comptroller has demurred to the plaintiff's bill, and now awaits a session of the court for a hearing upon his demurrer. This suit presents for adjudication, in the Federal Court, at the instance of a mortgagee, the same questions which have been decided by the State courts at the instance of the mortgagor, and affirmed by the Supreme Court of the United States, and now impedes the collection of these taxes.

In March or April, 1902, I appeared (after notice to counsel for the Central Trust Company) before Judge Swayne, in Pensacola, to argue the demurrer interposed in behalf of the State. Hon. T. L. Clarke, counsel for the Trust Company, was ill and did not appear at the hearing, and the same was deferred.

In August, of the same year, counsel for the said Trust Company, and I for the State, appeared before Judge David D. Shelby, in Huntsville, Alabama, to argue the demurrer and a motion on behalf of the Comptroller to dissolve the injunction in the case.

The questions involved were referred back to Judge Swayne for decision. Judge Shelby, soon afterwards, having judicial business in Atlanta, Georgia.

In October or November, 1902, counsel for the Comptroller and the Trust Company argued the demurrer and motion to dissolve injunction in said case before Judge Swayne in Pensacola, and it was under his ruling, upon the demurrer and motion, that the bill of revivor was filed.

This suit will be one of delay only.

The decision of the Supreme Court of the United States was made in this case on January 6, 1902, Mr. Justice Brewer delivering the opinion of the court.

After fully reviewing the law authorities, State and

Federal, applying to the facts in the case, the decision concludes as follows:

"In the light of these decisions, if the State of Florida had deemed it for the best interests of its people to encourage the building of railroads by exempting their property from taxation, such exemption could not have been adjudged in conflict with the Fourteenth Amendment, even though thereby the burden of taxation upon other property in the State was largely increased. Indeed, that was the policy of the State prior to the constitution of 1868. And, conversely, if the State had subjected railroads to taxation, while exempting some other class of property, it would be difficult to find anything in the Fourteenth Amendment to overthrow its action. The mere fact that such legislation may operate with harshness is not of itself sufficient to justify the court in declaring it unconstitutional. These matters of classification are of State policy, to be determined by the State, and the Federal Government is not charged with the duty of supervising its action.

"If the State, as has been seen, has the power, in the first instance, to classify property for taxation, it has the same right of classification as to property which in past years has escaped taxation. We must assume that the Legislature acts according to its judgment for the best interests of the State. A wrong intent cannot be imputed to it. It may have found that the railroad delinquent tax was large, and the delinquent tax on other property was small and not worth the trouble of special provision therefor. If taxes are to be regarded as mere debts, then the efforts of the State to collect from one debtor is not prejudiced by its failure to make like effort to collect from another. And if regarded in the truer light as a contribution to the support of government, then it does not lie in the mouth of one called upon to make his contribution to complain that some other person has not been coerced into a like contribution. In *Winona & St. Peter Land Co. v. Minnesota* (159 U. S., 526), legislation of Minnesota for the collection of delinquent taxes on real estate was challenged because of a lack of similar legislation in respect to personal property, but the challenge was overruled, the court saying (p. 539):

"This statute rests on the assumption that, generally speaking, all property subject to taxation has been

reached and aims only to provide for those accidents which may happen under any system of taxation, in consequence of which here and there some item of property has escaped its proper burden; and it may well be that the Legislature, in view of the probabilities of changes in the title or situs of personal property, might deem it unwise to attempt to charge it back with taxes, while at the same time, by reason of the stationary character of real estate, it might elect to proceed against that. At any rate, if it did so it would violate no provision of the Federal Constitution, and whether it did so or not was a matter to be determined finally by the Supreme Court of the State.

"Our conclusion is that, so far as the Federal Constitution is concerned, the Legislature of Florida had the power to compel the collection of delinquent taxes from the railroad companies for the years 1879, 1880 and 1881, even though it made no provision for the collection of delinquent taxes for those years on other property.

"The judgment, therefore, of the Supreme Court of Florida is

"Affirmed."

James Tarrence and others, Plaintiffs in Error, vs. The State of Florida, Defendant in Error:

The above plaintiffs in error in the Supreme Court of Florida were convicted in the Circuit Court of Escambia County of the crime of murder in the third degree, and sentenced for a term of years to the Florida penitentiary.

In the Circuit Court a motion in their behalf was made to quash the panels of grand and petit jurors finding the indictment, and to try the case, upon the ground that the County Commissioners of Escambia County had not selected the names of any negroes in that county from which grand and petit jurors were to be drawn. A further motion was made to quash the indictment in the case upon the same ground.

The Supreme Court of this State held that such matters must be set up by plea in abatement and not by motion to quash, and affirmed the judgment of the court below. This decision was in accordance with, and in affirmance of, prior decisions of the court.

Plaintiffs in error sued out a writ of error and carried

their case to the United States Supreme Court, where, in April, 1902, I argued the same on behalf of the State of Florida. Within the past few days the judgment of the Supreme Court of Florida has been affirmed by the United States Supreme Court, with costs against plaintiffs in error. The case has been an expensive one for Escambia County, and I exercised all diligence in getting the same heard in the United States Supreme Court; and it is gratifying to know that these convicted men will pay the penalty for their crime.

QUO WARRANTO SUITS—The use of the name of the Attorney-General is not allowed, *as a matter of course*, in bringing these suits. Where the suit is against a city or town and the organization of the same is alleged to be illegal, a showing may be required by affidavit setting forth the facts purporting to show illegal incorporation. Sometimes suit is brought in the Attorney-General's name to determine the powers, duties and title to office, of public officers.

The question of the legality of the incorporation of a city or town, can only be determined by a suit in the name of the Attorney-General. The law requires it, that cities and towns illegally organized, shall have their organization dissolved.

Hence it at times becomes the duty of the Attorney-General, on a showing of facts, to permit the use of his name to determine the question of the legality of the incorporation of cities or towns.

The Attorney-General would violate the law if he did not proceed, or let his name be used in suit, on a proper showing that raised a well founded doubt as to the legality of the incorporation of a city or town.

Below will be found instances in the past two years, in which my name officialy has been used in Quo Warranto Suits:

[Copy.]

Office of the Attorney-General,
State of Florida,
Tallahassee, December 13, 1901.

Hon. John C. Avery, Pensacola, Florida:

Dear Sir—I have examined the statutes you referred me to in your letter of November 23d, ult., and without passing upon the constitutionality of the legislation

cited, I am willing that you should proceed in my name officially to test in proceedings in the nature of quo warranto the right of the Pilot Commissioners for the port of Pensacola to limit the number of pilot boats in the port of Pensacola; Provided that no costs in any manner whatever shall be incurred in such proceedings by the State of Florida.

Very truly yours,

W. B. LAMAR,
Attorney-General.

State of Florida, ex rel.,

W. B. Lamar, Attorney-General;

Vs.

Board of Pilot Commissioners of the Port of Pensacola—Quo Warranto.

An information was filed by the Attorney-General against the Pilot Commissioners, charging them with usurping certain powers, to-wit: the power to determine the number of vessels requisite and necessary to the proper piloting of vessels coming into the port of Pensacola, and to prevent other vessels from engaging in such piloting.

The point upon which the Circuit Judge decided the case adversely to the Pilot Commissioners was that the statute attempting to confer such power is in violation of Section 20 of the Constitution of the State, to-wit:

"The Legislature shall not pass special or local laws in any of the following enumerated cases: that is to say, regulating the jurisdiction and duties of any class of officers, except municipal officers."

The defendants claimed the right to act by virtue of an act of the Legislature (Chapter 4374, Acts of 1895), which provides that—

"It shall be the duty of the Pilot Commissioners for those ports within this State that are within the provisions of the last preceding section to register such a number of vessels of not less than twenty tons burden as are in their opinion requisite and necessary to the proper piloting of vessels coming into such ports."

This Act is amendatory of, and a substitution for, Section 952 of the Revised Statutes.

The effect of this Act is to regulate the jurisdiction and duties of a class of officers, to-wit: certain Pilot

Commissioners, which is in conflict with the provisions of the Constitution above mentioned.

By referring to Section 951 of the Revised Statutes it will be seen that it has reference only to ports coming within a stated description at the date of the enactment. There was no provision for bringing any other ports afterwards coming within the description within the terms of the Act, nor of letting out of the operation of the Act any port afterwards failing to remain within the description.

The effect of the legislation was to regulate the jurisdiction and duties of Pilot Commissioners for one or more ports and to leave outside of such regulation other ports. It was an attempt to classify in a manner repugnant to constitutional principles.

QUO WARRANTO.

In the matter of a quo warranto or information in the nature of a quo warranto to test the legality of the incorporation of the Pensacola Bar Pilots' Association and of the exercise of powers thereby:

Upon application of Wm. A. Blount and A. C. Blount, Jr., co-partners as Blount & Blount, representing other persons, permission is hereby given to the said Blount & Blount to bring by my authority and in the name of the State, and upon my relation, a writ of quo warranto, or an information in the nature of a quo warranto to test the legality of the incorporation of the Pensacola Bar Pilots' Association and of the exercise of powers apparently conferred upon it by letters patent issued thereto, and to prosecute the said proceeding to a final determination, and, to that end, to sign my name by them to such pleadings and proceedings as may be necessary for said purpose. This permission, however, is granted upon the condition that no costs resulting therefrom shall fall upon, or be paid by, the State of Florida, and that if any cost-bond be required in the said proceeding, it shall be furnished by those represented by the said Blount & Blount.

Tallahasee, Fla., February —, 1903.

W. B. LAMAR,
Attorney-General.

In Escambia County Circuit Court,
State of Florida.

The State of Florida (upon information of W. B. Lamar, Attorney-General) vs. Chas. Perry, Robert Simpson, Alex. D. Ferguson, J. A. Bazzell, John D. Davidson, J. W. Cohron, John W. Maloy, Geo. W. Caro, A. H. Baker, T. S. Caro, Benito G. Caro, John H. Caro, John Davenport, Chas. B. Langford, Fred. Nelson, G. Nunez, Thos. Stearns, J. O. Seely, Jos. Seeley, W. A. Bell, H. L. White, Jas. Stearns, and J. M. Langley, defendants.—Quo warranto.

The purpose of this proceeding is to test the legality of the incorporation of the Pensacola Bar Pilots' Association by the above persons, the letters patent having been issued ten days before the time fixed in the notice of application to the Governor for such application, and the charter containing powers and involving matters which it is contended are not contemplated by, or in accordance with the statute.

[Copy.]

Office of the Attorney-General,
State of Florida,
Tallahassee, Fla., Feby. 26, 1903.

Hon. Thomas Palmer, Tampa, Fla.:

DEAR SIR:—I authorize you to institute suit in my name as Attorney-General on behalf of Edwin O. Carver against W. J. Carter, E. P. Bennett and George Weeks, of Polk County, Florida, acting as a corporation under the name of "The Lake Hancock & Clermont Railroad Company," in order to test and determine the question of their legal incorporation as such. The State to pay no costs in such proceedings and Edward O. Carver to execute and file a bond for all costs that may accrue in the suit, same to be approved by the Judge before issuance of writ.

Very truly yours,

W. B. LAMAR,
Attorney-General.

QUO WARRANTO AGAINST DeFuniak Springs.

In November, 1901, Mr. C. M. Cox, of DeFuniak Springs, requested the use of my name officially to test by quo warranto proceedings the legality of the incorporation of DeFuniak Springs. I also received a letter from Hon. W. A. Blount of Pensacola, making the same request, as follows:

[Copy.]

Pensacola, Fla., Nov. 30, 1901.

Hon. W. B. Lamar, Attorney-General, Tallahassee, Fla.:

DEAR SIR:—The citizens of DeFuniak Springs desire to employ us, together with local counsel at that point, to bring suit against the town authorities for the purpose of inquiring whether the proceedings for the organization of the community into a municipality were regular and legal. We apprehend that this requires that your consent as Attorney-General should be given, and we would be glad to have you write us this consent.

Yours very truly,

W. A. BLOUNT.

Mr. Cox made affidavit to the alleged facts involved, and as has been the practice in this office before I entered into it, and since, I granted the request, as seen by the following letter to Mr. Cox:

[Copy.]

Office of the Attorney General,
State of Florida,
Tallahassee, Fla., Dec. 22, 1901.

Hon. C. M. Cox, DeFuniak Springs, Fla.:

DEAR SIR:—You are hereby permitted to bring proceedings in the nature of quo warranto in my name as Attorney-General to test the legality of the incorporation of the town of DeFuniak Springs, Florida, same being based upon your affidavit as to alleged irregularities in the incorporation of the said town of DeFuniak Springs. Provided, however, that no costs shall be incurred by the State of Florida in these proceedings.

W. B. LAMAR,
Attorney-General.

The affidavit made by Mr. Cox was as follows:

(Copy.)

State of Florida,

County of Walton.

Before the subscriber personally came C. M. Cox, who, being by me first duly sworn, on oath says that—

1. He is a resident of the town of DeFuniak Springs, Florida, and was a resident of said town at the time it is said to have been incorporated.

2. He was present and participated in the meeting on the ——— day of July, 1901, at which meeting an election was held for the purpose of incorporating the said town, and from the proceedings of which said meeting the said town derives and claims to derive its sole and only right to be and act as an incorporated town under the laws of Florida.

3. He has carefully examined the tax and registration books of Walton county, Florida, in which county the said town of DeFuniak Springs is situate, and from that examination finds that the persons who were present at, and who participated in, the meeting and election for incorporation of the said town, were fewer than two-thirds of the qualified electors residing at that time within the corporate limits of the said town, and the limits within which the said town now attempts to exercise corporate powers.

4. In the said town meeting and election, by the acts of which the said town now attempts to exercise corporate powers, numerous persons who were not qualified electors residing within the limits of the said town, as and within the limits claimed to have been incorporated, were permitted to vote and did vote, both on the question of incorporation and the election of officers.

5. The Mayor and a majority of the Aldermen of the said town, who are the only Mayor and Aldermen ever elected in the said town, and who are now claiming the rights and attempting to exercise the powers of Mayor and Aldermen, were not elected by ballot, but were elected by viva voce vote.

C. M. COX.

Sworn to and subscribed before me this the 24th day of December, 1901.

(Seal.)

L. L. PLANK,
Notary Public.

I also addressed the following letter to Hon. G. P. Henry, who was exercising the functions of Mayor:

(Copy.)

Office of the Attorney-General.

State of Florida,

Tallahassee, Dec. 27, 1901.

Hon. G. P. Henry,

DeFuniak Springs, Florida:

Dear Sir—Mr. C. M. Cox, of your town, made application to me for a permit to bring, in my name, proceedings in Quo Warranto against the town of DeFuniak Springs. I requested him to submit by way of affidavit the alleged irregularities of the incorporation of said town. This he has done. It is usual in such cases to grant the permission to use my name officially and this I have done with him. It is really the best thing for your town. If the incorporation is legal, the expense will be small to determine that fact. If your incorporation is illegal, then the quicker your citizens know that fact the better. Either way it is better.

With kind regards,

Sincerely yours,

W. B. LAMAR.

Quo Warranto proceedings were brought against Hon. G. P. Henry, the Mayor, and the case was tried before Judge John C. Avery, of Pensacola, Florida.

The decision of Judge Avery was against the Mayor, and judgment of *Ouster* was rendered against him. But the decision did not settle the real issue sought to be decided, viz.: the question of the legality of the incorporation of DeFuniak Springs.

Recently Mr. C. M. Cox, of DeFuniak Springs, requested permission to use my name to further test the legality of the incorporation of DeFuniak Springs, by bringing suit against members of the town council. In the case against Hon. G. P. Henry, as Mayor, there was a judgment of ouster against him. I could not refuse under these circumstances the permit to Mr. Cox. This permission is as follows:

(Copy.)

KNOW ALL MEN BY THESE PRESENTS:

That I, W. B. Lamar, Attorney-General of the State of Florida, do hereby consent that my name as such Attorney-General, be used in the institution and prosecution of a suit quo warranto against A. L. Beach, W. L.

Cawthon, J. C. McSwain, D. D. Laird, James McLean, P. L. Biddle, W. T. May, John F. Watson and Malcum McCaskill, for use of the power, privileges, franchises and functions of the municipal corporation under the name of the town of DeFuniak Springs, Florida, in Walton county, Florida, upon the condition that the State of Florida in no way assumes or is to be held liable for the cost of such proceedings.

Witness my hand at Tallahassee, this 7th day of February, A. D. 1903.

W. B. LAMAR,
Attorney-General.

NEEDED LEGISLATION.

I gave due consideration to your Excellency's letter addressed to me, of date November 18, 1902, relative to the complaints set out in a letter addressed to you by Major Alex. St. Clair-Abrams, complaining that the Seaboard Air Line Railway has been in possession of the different railroads of the F. C. and P. Railroad Company since July, 1900, without legal title thereto, operating the same under its own name, without complying with the statute which contemplates the filing of its articles of incorporation in Florida; that this results in unreasonable delays and embarrassments to persons having claims against the F. C. and P. Railroad Company from obtaining access to their records or any discovery against them; that judgment creditors against the F. C. and P. Railroad Company are delayed in collecting their judgments by reason of the fact that everything has to be referred to Portsmouth, Va., and that if a levy is made upon the property of the F. C. and P. Railroad Company, a claim is then asserted that the property levied on belongs to the Seaboard Air Line Railway.

I have deemed it advisable that these matters be referred to the Legislative Department of the government, that corrective and immediate legislation may be had protecting the rights of citizens of this State for claims against the property of the F. C. and P. Railroad Company or against the Seaboard Air Line Railway, if it owns such property, rather than to institute litigation to bring about the correction of these alleged abuses. The Legislature can correct these abuses, if they ex-

ist, by legislation before the suit begun by the Attorney-General could scarcely make any progress. That every facility should be afforded to the citizens of this State to collect their claims against these railroad properties, in an expeditious manner, is unquestionably true.

I will write to Major St. Clair-Abrams my views upon this matter, and suggest that he draw such a bill as will correct these abuses, and submit the same to coming Legislature. I think this course will result in much quicker relief than through a suit by the Attorney-General, which would be delayed by the railroad company to the farthest extent.

PENSION LEGISLATION.

The pension law needs amendments in behalf of the widows of Confederate soldiers who died in battle, or from injuries received in battle, or from disease contracted by result of service in defense of their country. As it is now, under present law relating to pensions, if the husband has never been on the pension roll, or if he died prior to the first day of October, 1901—even though killed in battle—the widow can obtain no pension.

In taking leave of your Excellency, I desire to acknowledge your personal and official kindness and assistance to me always, and, I wish you a continuance of your most capable administration.

Respectfully submitted,

W. B. LAMAR,
Attorney-General.

CASES REPRESENTED BY THE ATTORNEY-GENERAL

In the Supreme Court of Florida from April 1st, 1901, to and Including February 28th, 1903.

Title of Case—John Clemmons vs. The State of Florida; January Term, 1901; offense, murder in third degree; Circuit Court, Holmes County. Disposition—Affirmed.

Dick Hewett et al. vs. The State of Florida—January Term, 1901; murder; Circuit Court, Duval County. Affirmed.

Edgar H. King vs. The State of Florida—January Term, 1901; forgery; Circuit Court, Gadsden County. Reversed.

James Tarrance vs. The State of Florida—June Term, 1901; murder; Circuit Court, Escambia County. Affirmed.

William Mitchell et al. vs. The State of Florida—June Term, 1901; manslaughter; Criminal Court of Record, Duval County. Affirmed.

Tom Coleman and Dick Coleman vs. The State of Florida—June Term, 1901; larceny; Criminal Court of Record, Escambia County. Affirmed.

Henry Green et al. vs. The State of Florida—June Term, 1901; murder in third degree; Circuit Court, Wakulla County. Reversed.

Joe Caldwell vs. The State of Florida—June Term, 1901; illegal sale of liquor; Circuit Court, Suwannee County. Affirmed.

Andrew Green vs. The State of Florida—June Term, 1901 manslaughter;; Circuit Court, Baker County. Affirmed.

Berry Bird vs. The State of Florida—June Term, 1901; manslaughter; Circuit Court, Leon County. Affirmed.

E. H. Purdy et al. vs. The State of Florida—June Term, 1901; keeping gambling house; Circuit Court, Leon County. Affirmed.

William Schang vs. the State of Florida—June Term, 1901; assault with intent to commit rape; Circuit Court, Nassua County. Affirmed.

Will Teal vs. The State of Florida—June Term, 1901; assault with intent to kill; Circuit Court, St. Johns County. Affirmed.

Walter A. Sigsbee vs. The State of Florida—June Term, 1901; embezzlement; Circuit Court, Alachua County. Affirmed.

Nicholas P. Myers et al. vs. The State of Florida—June Term, 1901; murder; Circuit Court, Marion County. Reversed.

J. D. Easterlin vs. The State of Florida—June Term, 1901; aggravated assault; Circuit Court, Alachua County. Reversed.

Robert J. Barton vs. The State of Florida—June Term, 1901; illegally selling liquor; Circuit Court, Hamilton County. Affirmed.

William J. Knight vs. The State of Florida—January Term, 1902; assault with intent to kill; Circuit Court, Alachua County. Affirmed.

John W. McKinney et al. vs. The State of Florida—January Term, 1902; adultery; Circuit Court, Washington County. Reversed.

Jackson Bassett et al. vs. The State of Florida—January Term, 1902; murder; Circuit Court, Jackson County. Affirmed.

J. B. Brown vs. The State of Florida—January Term, 1902; murder; Circuit Court, Putnam County. Affirmed.

Richard Rouse vs. The State of Florida—January Term, 1902; assault; Criminal Court of Record, Escambia County. Reversed.

Irvin S. Sullivan vs. The State of Florida—January Term, 1902; obtaining money under false pretenses; Criminal Court of Record, Escambia County. Reversed.

Thomas Moore vs. The State of Florida—January Term, 1902; larceny; Criminal Court of Record, Duval County. Affirmed.

Alex. Jones vs. The State of Florida—January Term, 1902; assault with intent to commit murder; Circuit Court, Columbia County. Affirmed.

M. Q. Anthony vs. The State of Florida—January Term, 1902; receiving stolen property; Criminal Court of Record, Duval County. Affirmed.

Alfonso Gabriel vs. The State of Florida—January Term, 1902; receiving stolen goods; Criminal Court of Record, Hillsboro County. Reversed.

William Gass vs. The State of Florida—January Term, 1902; murder; Circuit Court, Alachua County. Affirmed.

Johnson Kirby vs. The State of Florida—January Term, 1902; manslaughter. Circuit Court, Columbia County. Reversed.

Eugene M. Davis vs. The State of Florida—January Term, 1902; murder; Circuit Court, Suwannee County. Reversed.

James Long vs. The State of Florida—January Term, 1902; larceny; Criminal Court of Record, Orange County. Reversed.

William J. Lane vs. The State of Florida—January Term, 1902; murder; Circuit Court, Sumter County. Reversed.

Henry Hicks vs. The State of Florida—January Term, 1902; arson; Circuit Court, Duval County. Dismissed.

Bessie Sabie vs. The State of Florida—January Term, 1902; grand larceny; Criminal Court of Record, Duval County. Dismissed.

A. H. Anderson vs. The State of Florida—June Term, 1902; assault with intent to kill; Criminal Court of Record, Duval County. Affirmed.

Sim Brinkley vs. The State of Florida—June Term, 1902; assault with intent to murder; Criminal Court of Record, Duval County. Affirmed.

James Ford vs. The State of Florida—June Term, 1902; manslaughter; Circuit Court, Orange County. Affirmed.

Joe Gray et al. vs. The State of Florida—June Term, 1902; assault with intent to murder; Criminal Court of Record, Duval County. Affirmed.

Will Jackson vs. The State of Florida—June Term, 1902; breaking and entering dwelling house; Criminal Court of Record, Hillsborough County. No judgment, improperly certified.

Mack Darden vs. The State of Florida—June Term, 1902; maintaining a gambling apparatus; Criminal Court of Record, Hillsboro County. Affirmed.

George Walker vs. The State of Florida—June Term, 1902; breaking and entering dwelling house; Criminal Court of Record, Hillsboro County. Affirmed.

Allen Lowe vs. The State of Florida—June Term, 1902; larceny; Circuit Court, DeSoto County. Affirmed.

Sam Kelly vs. The State of Florida—June Term, 1902; murder; Circuit Court, Jackson County. Affirmed.

Henry Olds vs. The State of Florida—June Term, 1902; murder; Circuit Court, Jackson County. Affirmed.

Virgil Harris vs. The State of Florida—June Term, 1902; larceny; Criminal Court of Record, Duval County. Dismissed.

Jim Ardis vs. The State of Florida—June Term, 1902; assault with intent to murder; Criminal Court of Record, Escambia County. Dismissed.

Louise C. deRicardo vs. The State of Florida—June Term, 1902; grand larceny; Criminal Court of Record, Hillsboro County. Dismissed.

Jame O. Williams vs. The State of Florida—January Term, 1903; murder in first degree; Circuit Court, Dade County. Affirmed.

Henry E. Bryan vs. The State of Florida—January Term, 1903; assault with intent to commit manslaughter; Circuit Court, Columbia County. Submitted.

Archie McC. Brass vs. The State of Florida—January Term, 1902; selling liquor; Circuit Court, Citrus County. Submitted.

Gus Drummer vs. The State of Florida—January Term, 1903; assault with intent to commit murder; Circuit Court, Walton County. Submitted.

John Edwards vs. The State of Florida—January Term, 1903; false promises; Circuit Court, Jackson County. Submitted.

T. B. Ferrell vs. The State of Florida—January Term, 1903; bigamy; Circuit Court, Santa Rosa County. Submitted.

Will Jackson vs. The State of Florida—January Term, 1903; burglary; Criminal Court of Record, Hillsboro County. Submitted.

Anderson Kimble vs. The State of Florida—January Term, 1903; breaking to commit felony; Circuit Court, Jackson County. Submitted.

Tom Lawrence vs. The State of Florida—January Term, 1903; murder in second degree; Circuit Court, Walton County. Submitted.

Ben McNish et al. vs. The State of Florida—January Term, 1903; breaking and entering with intent to commit felony; Circuit Court, Columbia County. Submitted.

James McCray vs. The State of Florida—January Term, 1903; grand larceny; Circuit Court; Alachua County. Submitted.

Judson Mathis and Luthur Mathis vs. The State of Florida—January Term, 1903; murder in third degree; Circuit Court, Hamilton County. Submitted.

Robert Meacham vs. The State of Florida—January Term, 1903; embezzlement; Criminal Court of Record, Hillsboro County. Submitted.

John Mitchell vs. The State of Florida—January Term, 1903; murder in third degree; Circuit Court, Washington County. Submitted.

Zack Pittman vs. The State of Florida—January Term, 1903; fornication; Circuit Court, Jackson County. Submitted.

Frank Roberson vs. The State of Florida—January Term, 1903; murder in first degree; Circuit Court, Duval County. Submitted.

Term, 1903; assault with intent to commit murder; Circuit Court, 1903; assault with intent to commit murder; Circuit Court, Citrus County. Submitted.

Frank Sumpter vs. The State of Florida—January Term, 1903; assault with intent to commit murder; Circuit Court, Columbia. Submitted.

W. D. Turnipseed vs. The State of Florida—January Term, 1903; forgery; Circuit Court, Walton County. Submitted.

Jean West vs. The State of Florida—January Term, 1903; forgery; Circuit Court, Washington County. Submitted.